

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WINDWARD BORA LLC,

Plaintiff,

-against-

**ORDER ADOPTING R&R**  
18-CV-1873 (DRH)(GRB)

DAVID GOTTERUP, and  
ADMINISTRATOR OF THE U.S. SMALL  
BUSINESS ASS'N,

Defendants.

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**HURLEY, Senior District Judge:**

### **INTRODUCTION**

Presently before the Court is the Report and Recommendation, dated February 27, 2019, of Magistrate Judge Gary R. Brown recommending that the Court: (1) grant Plaintiff Windward Bora LLC's ("Plaintiff's") motion for default judgment against Defendant David Gotterup ("Defendant"); (2) award damages to Plaintiff in an amount of \$264,688.53 for the outstanding principal balance, inclusive of pre-judgment interest through June 7, 2018; (3) direct that the mortgaged property, commonly known as 3550 Riverside Drive, Oceanside, New York 11572, be sold in one parcel and that a Referee be appointed to effectuate the foreclosure and sale; and (4) direct Plaintiff to file a proposed Judgment of Foreclosure and Sale. The time to file objections has expired, and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. As such, the Court adopts the February 27, 2019 Report and Recommendation of Judge Brown as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for default judgment is granted and Plaintiff is awarded damages against Defendant in an amount of \$264,688.53 for the outstanding principal balance, inclusive of pre-judgment interest through June 7, 2018. Furthermore, the mortgaged property, commonly known as 3550 Riverside Drive, Oceanside, New York 11572, shall be sold in one parcel and Kathryn C. Cole shall be appointed Referee to effectuate the foreclosure and sale. Finally, Plaintiff is directed to file a Proposed Judgment of Foreclosure and Sale on or before March 31, 2019, that comports with the Report and Recommendation and sets forth Ms. Cole as the referee.<sup>1</sup>

Dated: Central Islip, N.Y.  
March 18, 2019

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge

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<sup>1</sup> Plaintiff is directed to include Ms. Cole's phone number and address in the Proposed Judgment as follows: Ph: (516) 227-0763; Address: 1320 RXR Plaza, Uniondale, New York 11556.